

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE DUPONT RESIDENTIAL PROJECT ADDENDUM TO THE DOWNTOWN STRATEGY 2040 FINAL ENVIRONMENTAL IMPACT REPORT, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED**

**WHEREAS**, the City of San José (“City”) acting as lead agency under the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively “CEQA”), prepared, completed, and adopted the Final Environmental Impact Report for the Downtown Strategy 2040 (“Downtown Strategy 2040 FEIR”), which updated and replaced the Downtown Strategy 2000 Final Environmental Impact Report, and analyzed the environmental impacts of increased Downtown development capacity to the year 2040 consistent with the General Plan; and

**WHEREAS**, the Planning Commission of the City reviewed and recommended the City Council of the City of San José (the City Council) certified said Downtown Strategy 2040 FEIR on November 28, 2018; and

**WHEREAS**, in connection with the adoption of a resolution approving said Downtown Strategy 2040 (Planning File No. PP15-102), the City Council adopted Resolution No. 78942 on December 18, 2018, setting forth certain findings pertaining to the Downtown Strategy 2040 FEIR and adopting a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA; and

**WHEREAS**, the Dupont Residential Project (the “Project”) analyzed under the Addendum consists of a Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit to facilitate the demolition of 64,800 square feet of industrial buildings on-site, the removal of 29 ordinance-size trees, and the construction

of 689 residential units and 4,000 square feet of commercial uses on an approximately 5.4-gross-acre site, located on six parcels along McEvoy Street and Dupont Street in San José, California; and

**WHEREAS**, as further described in the Addendum, the implementation of the Project would not result in new significant effects on the environment beyond those already identified in the previously approved Downtown Strategy 2040 FEIR, nor will the Project result in an increase in the severity of significant effects identified in the Downtown Strategy 2040 FEIR, and identified mitigation measures, as amended, would continue to reduce each of those significant effects to a less-than significant level; and

**WHEREAS**, the related mitigation measures are described in the Addendum; and

**WHEREAS**, a related Mitigation Monitoring and Reporting Program (“Mitigation Monitoring and Reporting Program”) was prepared that incorporates certain mitigation measures from the previously certified Downtown Strategy FEIR; and

**WHEREAS**, the City of San José is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to undertake the Project; and

**WHEREAS**, the City Council has reviewed and considered the Downtown Strategy 2040 FEIR and the Addendum, and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

**WHEREAS**, the Downtown Strategy 2040 FEIR and the Addendum thereto for the Project are on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José California, 95113, and are available for inspection by any interested person at that location and on the Department of Planning,

Building and Code Enforcement website ([www.sanjoseca.gov/Planning](http://www.sanjoseca.gov/Planning)) and are, by this reference, incorporated into this Resolution as if fully set forth herein;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**THAT THE CITY COUNCIL** does hereby make the following findings: (1) it has independently reviewed and analyzed the Downtown Strategy 2040 FEIR, as modified by the Addendum, as well as other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Addendum modifying the Downtown Strategy 2040 FEIR prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Addendum modifying the Downtown Strategy 2040 FEIR represents the independent judgment and analysis of the City of San José, as lead agency for the Project. The City Council designates the Director of Planning, Building and Code Enforcement at the Director's Office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and records of proceedings on which this decision is based.

**THAT THE CITY COUNCIL** does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Addendum prepared for the Project (Planning File Nos. PDC20-036, PT20-036 and PD20-011). The Mitigation Monitoring and Reporting Program is attached hereto as **Exhibit A** and is fully incorporated herein by this reference. The Downtown Strategy 2040 FEIR and the Addendum are: (1) on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, and on the Department of Planning, Building and Code Enforcement's website, and (2) available for inspection by any interested person.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk